

AN ORDINANCE
BY COUNCILMEMBER


FELICIA MOORE

06-0-2576

**AN ORDINANCE TO AMEND ORDINANCE
04-O-0652, ESTABLISHING "THE
PROVENANCE AT HOLLOWELL HOUSING
ENTERPRISE ZONE" BY ESTABLISHING A
NEW EFFECTIVE DATE; AND FOR OTHER
PURPOSES.**

WHEREAS, by local constitutional amendment, approved by referendum in November 1982, the City of Atlanta and Fulton County were authorized to create urban enterprise zones; and

WHEREAS, the City of Atlanta/Fulton County Urban Enterprise Zone Act was authorized by the Georgia General Assembly in 1983 (1983 GA. LAWS p. 4097, *et seq.*), and has subsequently been amended from time to time (particularly 1988 GA. LAWS p. 4164, *et seq.* and 1998 GA. LAWS p. 4493, *et seq.*); and

WHEREAS, the purpose of the City of Atlanta's Urban Enterprise Zone Program is to encourage private development and redevelopment in areas of the City or on sites which otherwise would be unlikely to be developed due to the existence of certain characteristics of the area or site; and

WHEREAS, owners of certain types of property may receive abatements of ad valorem taxes on new development, rehabilitation, and certain inventories over the life of the Urban Enterprise Zone designation, provided that certain conditions are met; and

WHEREAS, the Provenance at Hollowell Housing Enterprise Zone was so designated by the City of Atlanta by Ordinance 04-O-0652, adopted by the City Council on May 17, 2004 and approved by the Mayor on May 25, 2004, to become effective on January 1, 2005 and to expire on December 31, 2014; and

WHEREAS, the Provenance at Hollowell Housing Enterprise Zone consists of 19.81 acres and will have 311 apartment units, 90% of which will be affordable for moderate-income residents, exceeding the required minimum of 20%; and

WHEREAS, pursuant to 1999 GA. LAWS p. 3709 (H.B. 483), the City of Atlanta Urban Enterprise Zone Act was amended to permit the City Council to change the effective date of creation for an existing enterprise zone if that zone has remained undeveloped as a result of unanticipated development impediments; and

WHEREAS, Capitol Development Group, LLC, the Owner of the Provenance at Hollowell, located at 2748 Donald Lee Hollowell Parkway, NW, has formally requested that

the effective date of the Provenance at Hollowell Housing Enterprise Zone be changed until such time as a final certificate of occupancy is issued; and

WHEREAS, the Provenance at Hollowell Housing Enterprise Zone has encountered unanticipated development impediments including delays in rezoning and site plan approval and impediments in relocation of the tenants of the former Big Oak Trailer Park that occupied the site; and

WHEREAS, in the determination of the City Council, a reasonable basis exists upon which to change the effective date of creation for this existing enterprise zone.

**THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS
AS FOLLOWS:**

SECTION ONE: That the Provenance at Hollowell Housing Enterprise Zone designated by the City of Atlanta by Ordinance 04-O-0652, adopted by the City Council on May 17, 2004 and approved by the Mayor on May 25, 2004, be amended by this Ordinance.

SECTION TWO: That in accordance with Georgia law and because the zone has remained undeveloped as a result of unanticipated development impediments, the effective date of all exemptions for the Provenance at Hollowell Housing Enterprise Zone shall be January 1st of the year in which the final certificate of occupancy is issued by the City of Atlanta. The Provenance at Hollowell Housing Enterprise Zone shall be abolished exactly 10 years after the effective date. The Provenance at Hollowell Housing Enterprise Zone shall otherwise not be abolished except as provided in Georgia law.

SECTION THREE: That immediately upon its approval by the Mayor, the Municipal Clerk is hereby directed to transmit copies of this Ordinance to the Fulton County Tax Commissioner, to the Commissioner of the Georgia Department of Community Affairs, and to the Superintendent of the Atlanta Public Schools.

SECTION FOUR: That to the extent the provisions of Ordinance 04-O-0652, or any other ordinances are in conflict herewith, this ordinance shall control for this instance only.